

Updated January 1, 2013

# **TOWN OF BURNS HARBOR, INDIANA**

## **TOWN CODE**



## TOWN OF BURNS HARBOR, INDIANA

### CHAPTER 13

#### MISCELLANEOUS

#### ARTICLE 1. SMOKE DETECTORS

##### Sec. 13-1. DEFINITIONS.

As used in this Article:

**Corridor** shall be defined as a hallway or other area on each floor providing access to individual dwelling areas within a multiple dwelling unit or rental unit.

**Mobile home rental** shall be defined as any mobile home or trailer occupied by or offered for occupancy to an individual or individuals as a residence on a rental basis.

**Multiple family dwelling unit** shall be defined as any building that contains living quarters for two (2) or more occupancies, and shall include hotels, motels, boarding houses, sleeping room houses, buildings of mixed occupancy, having any residential units, nursing homes, convalescent homes, licensed half-way houses, or lodging houses.

**Sleeping area** shall be defined as the area of a unit in which bedrooms or sleeping rooms are located. Bedrooms or sleeping rooms separated by another use area such as a kitchen or living room are separate sleeping areas, but bedrooms or sleeping rooms separated by a bathroom are not separate sleeping areas.

**Smoke detector** shall be defined as a device which detects particles or products of combustion other than heat, approved by Underwriters' Laboratories, Inc., or Factory Mutual, equipped with a test button, and may be either battery powered, minimum 9 volt, or 110 volt A.C. and which conforms to the Uniform Building Code Standard No. 43-6 as amended from time to time.

##### Sec. 13-2. INSTALLATION.



- a. Detectors shall be installed in the following properties:
  1. All new single and multiple family dwellings.
  2. All existing two family or multiple family dwellings.
  3. All rental dwellings either single or multiple.
  4. All new and existing trailer homes.
  5. All new and existing apartment houses.
  6. All new and existing hotels, motels and rooming houses.
  7. All new and existing dwellings above business property.
- b. When activated, all smoke detectors shall provide an audible alarm of at least 85 decibels at 10 feet, and such alarm shall be capable of persisting for at least 4 minutes.
- c. If a smoke detector is alternating current powered, it must be directly attached to a junction box not controlled by any switch other than the main power supply. The installation of alternating current powered detectors shall conform to all electrical standards adopted by the Town. A smoke detector rewired under this Article shall be installed according to the directions and specifications of the manufacturer, but if in conflict with any Town electrical standard, the Town electrical standard shall take precedence.

**Sec. 13-3. MAINTENANCE.**

It shall be unlawful for any person to tamper with or remove any smoke detector except when it is necessary for maintenance or inspection purposes. Any smoke detector removed for repair or replacement must be reinstalled or replaced so that it is in place during normal sleeping hours. At every change of tenant in every multiple family dwelling unit or mobile home rental, smoke detectors shall be tested to see that they are in operable condition.



**Sec. 13-4. RESPONSIBILITY.**

Every owner, manager or agent of any multiple family dwelling unit or mobile home rental shall be responsible for the installation and maintenance of all smoke detectors. This requirement applies to smoke detectors required by any State or Federal law as well as by this article, unless otherwise required by State or Federal law.

**Sec. 13-5. CERTIFICATES OF COMPLIANCE.**

Between January first and January thirty-first each year the owner of each dwelling unit and mobile home in which a smoke detector has been installed shall certify in writing on forms prescribed by the Town to the fire inspection division of the Town fire department that the required maintenance has been performed on all detectors in the owner's units and that the detectors are in good working condition in the owner's units and that the detectors are in good working condition as of the date of certification. Each owner shall certify to each new occupant of any dwelling unit and mobile home covered by this Article that all smoke detectors required have been installed and are in proper working condition.

**Sec. 13-6 ENFORCEMENT.**

The building department and the fire department of the Town shall be charged with the duty of enforcing the terms of this Article.



**ARTICLE II.**  
**CONSUMER FIREWORKS**  
*(Ordinance 205, 6/13/2007)*

**SECTION 1:**

- 1) The terms "Consumer Fireworks" and "Firework" shall have the meaning set forth in I.C. 22-11-14-1 as the same may be amended from time to time. Two copies of I.C. 22-11-14-1 are on file in the office of the Burns Harbor Clerk Treasurer for inspection by the public.
- 2) The use, ignition or discharge of consumer fireworks within the corporate limits of the Town of Burns Harbor shall be unlawful and in violation of this Article at any time with the exception of the following:
  - (a) Within the hours of 5 p.m. and two hours after sunset on June 29, June 30, July 1, July 2, July 3, July 4, July 5, July 6, July 7, July 8 and July 9 in any year;
  - (b) Between the hours of 10 a.m. and 12 midnight on July 4;
  - (c) Between the hours of 10 a.m. on December 31 and 1 a.m. on January 1 in any given year.

**SECTION 2:**

A first violation of this ordinance shall subject the offender to a One Hundred Dollar (\$100.00) fine before the Burns Harbor Violations Bureau or any court of competent jurisdiction. Any subsequent violations of this Ordinance shall subject the offender to a penalty equal to the maximum permitted for municipal ordinance violations by Indiana law.

**SECTION 3:**

This Ordinance shall be in full force and effect from and after its passage, adoption and publication as required by law.

**SECTION 4:**

Any ordinance of the Town of Burns Harbor containing terms which are in conflict with this Ordinance are hereby deemed repealed.



**Article III**  
**Recovery of Fire Protection Costs**  
*Ordinance 251-2012*

**SECTION 1:**

Ordinance Amendment. A new Article entitled "Recovery of Fire Protection Costs" shall be added to Chapter 13 of the Burns Harbor Town Code, which shall read as follows:

**ARTICLE III. Recovery of Fire Protection Costs.**

- A. Pursuant to Indiana Code 8-1-2-103(d), the costs for the production, storage, transmission, sale, delivery, or furnishing of water for public fire protection purposes ("fire protection costs") shall be included in the basic rates and charges of all customers of Indiana American Water Company, Inc., ("IAWC"), located within the Town of Burns Harbor in the manner and to the extent permitted by statute.
- B. Effective upon the date of this change in the manner of recovering fire protection costs, IAWC shall cease directly billing the Town of Burns Harbor for the fire protection costs other than charges for the construction cost for new hydrants installed on and after the date of the change, as provided in Indiana Code 8-1-2-103(d).
- C. Notwithstanding this change in the recovery of fire protection, the construction cost of any fire hydrants installed at the request of the Town of Burns Harbor shall continue to be paid for by or on behalf of the Town of Burns Harbor.

**SECTION 2:**

Conflicting Ordinances. Any Ordinance or provision of any Ordinance of the Town of Burns Harbor or the Municipal Code of the Town of Burns Harbor in conflict with the provisions of this Ordinance is hereby repealed.

**SECTION 3:**

Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.



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**SECTION 4:**

Effective Date. This Ordinance shall be in full force and effect after its passage and approval by the Town Council of the Town of Burns Harbor and published as required by law. The change in method of recovering fire protection costs described herein shall be effective upon the first day of the first month following approval by the Indiana Utility Regulatory Commission ("IURC") of a new schedule of rates implementing the change. IA WC shall file such revised rate schedules with the IURC within a reasonable time after being notified of the final passage of this Ordinance.

**SECTION 5:**

Notice of Adoption. Notice of the adoption of this ordinance and a copy of this ordinance shall be provided by the Clerk-Treasurer of the Town of Burns Harbor to IA WC.